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Farmworkers Eye Lawmakers' Help For Release Of Worker Protection Rules

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Farmworker advocates and environmental groups are urging lawmakers to push EPA to propose a long-stalled rule to strengthen worker protection standards (WPS) to better prevent workers' exposures to pesticides should the agency not move forward with its release, in some cases linking the effort to the ongoing debate over immigration reform.

"We've come to the point where we need to see action on this soon, and if it takes a congressional letter, we will do that," one farmworker advocate says, adding that legislators may pressure the agency should the proposal be delayed further.

However, the source notes, the effort from lawmakers may not be needed. "The time is now, and we're optimistic that what we're hearing from EPA is that this is happening soon."

In a signal of the rule potentially advancing, EPA in a July 26 *Federal Register* note said that it submitted a draft WPS revisions document to the Agriculture Department (USDA) for review. The Federal Insecticide, Fungicide, and Rodenticide Act requires EPA to provide the USDA secretary with a copy of any draft proposed rule at least 60 days prior to its publication in the *Register*, and EPA must include any USDA comments with the rule.

Farmworkers from major agricultural states along with leaders of environmental and farmworker advocacy groups met with House and Senate staffers as well as EPA and USDA officials in Washington, D.C., July 15-16 to push the agency to release the rule and garner support for its provisions. USDA and the White Office of Management & Budget review of the proposal will likely delay its release until at least December, advocates say.

The meetings, which in Congress focused on lawmakers in key agricultural states and agricultural committee staff in both chambers, follow the [July 15 release of a report](#) by Farmworker Justice entitled "Exposed and Ignored: How Pesticides are Endangering our Nation's Farmworkers," and calls the same day from the head of the group linking the need for WPS to immigration reform.

In a letter published July 15 in *The Hill*, Farmworker Justice President Bruce Goldstein argues that more than half of the nation's farmworkers are undocumented immigrants who work difficult jobs "sometimes made intolerable -- even deadly -- by exposure to toxic pesticides."

Pesticides sprayed on fields near homes and schools also put farmworkers' families at risk, Goldstein writes, noting that pesticide exposure leads to higher rates of birth defects developmental delays, leukemia and brain cancer in children of farmworkers.

"The nature of working with crops likely always will involve some occupational danger," Goldstein writes. "But farmworkers deserve more than the meager set of protections we offer them now."

The report itself argues that EPA's update of the decades-old WPS is long overdue, and that farmworkers, most of whom are poor immigrants with limited education, have fewer protections from chemical risks than workers in other industries. The revised rules should include provisions requiring employers to inform workers of the health effects associated with pesticides and chemicals used in their workplace, mirroring an Occupational Safety and Health Organization (OSHA) standard, according to the report.

Protection Standards

The report further argues that a strengthened WPS should include requirements for more frequent pesticide safety training, medical monitoring for workers who handle neurotoxic pesticides, as well as the requirement that

workers are informed of specific pesticides used in their workplace. Revised rules should include buffer zones separating fields from homes and schools to protect workers families' from sprayed pesticides; national reporting requirements for pesticide use and illnesses from pesticide exposure; and increased funding for research to better understand health risks and technology to reduce exposures, according to the document.

EPA's Office of Chemical Safety and Pollution Prevention has been working for years to revise its WPS, which were last updated in 1995. EPA has repeatedly delayed its deadline for unveiling the proposed rule, leading some environmentalists and farmworker advocates to threaten to [sue the agency in 2011](#) to push for prompt action. They argued that the rule is needed because the agency's pesticide registration process does not adequately account for risks to workers and applicators.

Also in 2011, farmworker groups and environmentalists petitioned EPA to implement a host of measures to strengthen the WPS, though in 2012 some advocates worried that EPA documentation describing goals for the rule had narrowed in scope, [sowing doubts](#) on whether the plan would include strict approaches previously detailed by officials.

In the recent meetings, advocates are pushing both for the prompt release of the proposal and for the inclusion of more protective measures, including a hazard reporting system similar to the OSHA standard, which some worry might not make it into the rule since EPA officials studied the measure years ago and suggested it might not be feasible.

But an environmental source familiar with the issue says EPA is at least considering every aspect of what advocates are seeking.

"Our understanding is that all the things we've been asking for are on the table, and they're taking them seriously," the source says.

The source says notification and training requirements for farmworkers are fundamental to their protection and notes it would be surprising if the proposal did not include meaningful measures to ensure farmworkers have the information they need to ensure their own safety. The provisions least likely to be included in the proposal, the source adds, are those that carry the greatest costs, such as enforcement requirements or equipment standards that call for such things as enclosed tractor cabs to ensure workers do not ride through a cloud of pesticides during applications.